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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,246	05/11/2001	Laurence J. Newell	20852-05639	7882

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EXAMINER

NGUYEN, CHAU M

ART UNIT	PAPER NUMBER
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2633

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DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,246

Applicant(s)

NEWELL, LAURENCE J.

Examiner

Chau M Nguyen

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4,5,6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Horiuchi et al. (Hereinafter "Horiuchi") (U.S. Pat. No. 6,160,649).

As claim 1, Horiuchi discloses an optical fiber communications system including a transmitter node (10S, fig. 1) coupled to a receiver node (12R) by an optical fiber (14), a method for synchronizing the receiver node with the transmitter node, the method comprising:

at the transmitter node:

generating a reference signal (fr, by 20 and 22, col. 6, lines 44-48);

synchronizing the transmitter node with the reference signal (fr)(col. 5, lines 32-35 and col. 15, lines 30-32);

modulating the reference signal onto an optical signal (col. 5, lines 15-20 and/or col. 15, lines 33-35) ; and

transmitting the optical signal across the optical fiber to the receiver node
(col. 7, lines 10-16); and
at the receiver node:
receiving the optical signal (by 60, detailed in fig. 5, col. 8, lines 37-41);
recovering the reference signal from the optical signal (by 62, col. 8, lines
43-45); and
synchronizing the receiver node with the recovered reference signal (by
70, col. 8, line 59 – col. 9, line 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi (U.S. Pat. No. 6,160,649) as applied to claim 1 above, and further in view of Rowan et al. (Hereinafter "Rowan") (U.S. Pat. No. 6,529,303 B1).

As claim 2, the method for synchronizing as described above in that, Horiuchi shows the transmitter node including oscillator. Horiuchi does not clearly show the receiver node including a local oscillator. However, Rowan discloses a receiver may include a local oscillator (Rowan, col. 18, lines 37-42). One of the ordinary skill in the art

would have been motivated to incorporate a local oscillator as mentioned by Rowan and associates with the recovered reference signal, as taught by Horiuchi, in order to perform the synchronization at the receiver end with the recover reference signal.

As claim 4, Horiuchi discloses a method of claim 1 wherein
the step of modulating the reference signal onto an optical signal comprising:
frequency division multiplexing (by 28, fig. 1) the reference signal (λ_r) with a
plurality channels ($\lambda_1, \dots, \lambda_N$) (col. 7, lines 9-23); and
converting the electrical to optical to form the optical signal (col. 6, lines 40-48);
and
the step of recovering the reference signal from the optical signal comprises:
converting the optical signal from optical to electrical form (detailed in fig. 6); and
frequency division demultiplexing the reference signal from the electrical channel
(col. 9, lines 44-50).

Horiuchi does not show electrical low-speed channels to form an electrical high-speed channel. However, Rowan discloses a plurality of low-speed channels can be combined to form an electrical high-speed channel (Rowan, col. 23, lines 7-12). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine a plurality of electrical low-speed channels to form an electrical high-speed channel as taught by Rowan into the method of Horiuchi in order to increase the speed of transferring data in the system. One would have motivated for doing this since in the Frequency Division Multiplexing (FDM) based system, the

advantage is that the system does not have stringent synchronization requirements and does not require memory buffers as would be the case with Time Division Multiplexing (TDM) approaches (Rowan, col. 5, lines 56-60).

As claim 5, Horiuchi discloses the reference signal (tone signal) at a low frequency (col. 1, lines 42-45).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi (U.S. Pat. No. 6,160,649) as applied to claim 1 above, and further in view of Tang (U.S. Pat. No. 5,339,184).

As claim 3, Horiuchi discloses the step of modulating the reference signal onto an optical signal. Horiuchi does not clearly show the use of harmonic of the reference signal. However, Tang shows the use of harmonics frequency (Tang. Col. 9, lines 30-33). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use the harmonic frequencies as taught by Tang into the system of Horiuchi in order to perform the modulating and synchronizing process. One would have motivated for selecting harmonic frequencies is that the center frequencies of all intermodulation products should not fall within the range of the center frequency of any intermediate frequency (Tang, col. 9, lines 55-66).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowan (Hereinafter "Rowan") (U.S. Pat. No. 6,529,303 B1) in view of Horiuchi (U.S. Pat. No. 6,160,649).

As claim 6, Rowan discloses an optical fiber communications system for transmitting at least two low-speed channels (col. 9, lines 41-42) across the communications system, the communications system comprising:

a transmitter node (see fig. 2) including:

an FDM multiplexer (245, col. 9, lines 39-40) for combining the low-speed channels with the reference signal into an electrical high-speed channel (col. 10, lines 41-50); and

a receiver node (see fig. 2) coupled to the transmitter node by an optical fiber, the receiver node including:

an FDM demultiplexer (225, col. 9, lines 32-39) for recovering the reference signal from the electrical high-speed channel;

a local oscillator (col. 18, lines 37-42); and

electronics coupled to the local oscillator and the FDM demultiplexer for synchronizing the local oscillator with the recovered clock signal (detailed in fig. 7A, col. 14, lines 29-31 and col. 14, line 66-col. 15, line).

Rowan does not clearly show (at a transmitter) a local oscillator for generating a reference signal. However, Horiuchi show a local oscillator at a transmitter node for generating a reference signal (Horiuchi, oscillator 20, fig. 1, col. 6, lines 44-50).

Therefore, it would have been obvious to one having ordinary skill in the art to employ an oscillator or generating an reference signal as taught by Horiuchi into the system of Rowan in order to use this reference signal for synchronizing process. One would have motivated for using an oscillator at a transmitter node since this method provides one reference signal for the whole system, it turns out, the synchronization of a system could be easily measured and controlled (Horiuchi, col. 5, lines 32-38).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fellows et al. (U.S. Pat. No. 5,459,607) is cited to show synchronous optical digital transmission system and method.

Ring (U.S. Pat. No. 6,430,148 B1) is cited to show multi-directional communication systems.

Tang (U.S. Pat. No. 5,339,184) is cited to show fiber optic antenna remoting for multi-sector cell sites.

Iida et al. (U.S. Pat. No. 6,643,470 B1) is cited to show FM signal converter, FM signal optical transmitter and FM signal optical receiver.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau M. Nguyen whose telephone number is 703-305-8965. The examiner can normally be reached on Mon-Fri from 8:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4726. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

C.M.N.

Mar. 26, 2004